

HOUSE BILL 159

By Williams

AN ACT to amend Tennessee Code Annotated, Title 2;
Title 3; Title 4; Title 5; Title 6; Title 7; Title 10; Title
12; Title 39; Title 40 and Title 41, relative to
privacy.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 13, Part 6, is amended by
adding the following as a new section:

(a) This section shall be known and may be cited as the "Personal Privacy
Protection Act."

(b) As used in this section:

(1) "Federal agency" means the United States, the president of the
United States, the Tennessee Valley authority, and any other authority, agency,
instrumentality, or corporation of the United States;

(2) "Law enforcement agency" means a lawfully established state or local
public agency that is responsible for the prevention and detection of crime, local
government code enforcement, and the enforcement of penal, traffic, regulatory,
game, or controlled substance laws;

(3) "Nonfinancial support" means gifts of securities, real property,
services, or other in-kind donations;

(4) "Personal information" means any list, record, register, registry, roll,
roster, or other compilation of data of any kind that directly or indirectly identifies
a person as a member, supporter, or volunteer of, or donor of financial or
nonfinancial support to, any entity exempt from federal income tax under § 501(c)
of the Internal Revenue Code; and

(5) "Public agency" means any state or local governmental unit, however designated, including, but not limited to, this state; any department, agency, office, commission, board, division, or other entity of this state; any political subdivision of this state, including, but not limited to, a county, county with a metropolitan form of government, city, school district, or any other local agency, authority, council, board, or commission; or any state or local court, tribunal, or other judicial or quasi-judicial body.

(c) Notwithstanding any law, and subject to subsections (e), (i), and (j), a public agency shall not:

(1) Require an individual to provide the public agency with personal information or otherwise compel the release of personal information;

(2) Require an entity exempt from federal income tax under § 501(c) of the Internal Revenue Code to provide the public agency with personal information of its members, supporters, volunteers, or donors, or otherwise compel the release of that personal information;

(3) Release, publicize, or otherwise publicly disclose personal information in possession of a public agency; or

(4) Request or require a current or prospective contractor or grantee with the public agency to provide the public agency with a list of entities exempt from federal income tax under § 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

(d) A public agency may share personal information from the applicable individual or entity with a federal agency as required by federal law. However, personal information shared pursuant to this subsection (d) is otherwise subject to the requirements of subsection (c) and is not an open record pursuant to title 10, chapter 7.

(e) This section does not preclude:

(1) A report or disclosure required by title 2, chapter 10;

(2) A report or disclosure required by title 3, chapter 6;

(3) The disclosure of personal information amongst law enforcement agencies pursuant to an active investigation;

(4) A lawful warrant for personal information issued by a court of competent jurisdiction;

(5) A lawful request for discovery of personal information in litigation if the following conditions are met:

(A) The requestor demonstrates a compelling need for the personal information by clear and convincing evidence; and

(B) The requestor obtains a protective order barring disclosure of the personal information to any person not named in the litigation;

(6) Admission of personal information as relevant evidence before a court of competent jurisdiction. However, the court shall issue a protective order barring disclosure of the personal information to any person not named in the litigation;

(7) A state agency from requesting or disclosing personal information as required by federal or state law; or

(8) A lawful request for discovery of personal information in litigation to demonstrate that a party has standing to bring or appeal any action.

(f) A person alleging a violation of this section may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one (1) of the following, as appropriate:

(1) A sum of money not less than two thousand five hundred dollars (\$2,500) and not more than seven thousand five hundred dollars (\$7,500) to compensate for injury or loss caused by each violation of this section; or

(2) For an intentional violation of this section, a sum of money not less than seven thousand five hundred dollars (\$7,500).

(g) In addition to the damages awarded under subsection (f), a court, in rendering a judgment in an action brought under this section, may award all or a portion of the costs of litigation, including reasonable attorney and witness fees, to the complainant in the action if the court determines that the award is appropriate.

(h) A person who knowingly violates this section commits a Class B misdemeanor.

(i) The comptroller of the treasury or the comptroller of the treasury's designated representative shall have access to personal information for purposes of audit or investigation, but that personal information is otherwise subject to the requirements of subsection (c) and is not an open record pursuant to title 10, chapter 7.

(j) A state agency or a state agency's designated representative shall have access to personal information for purposes of conducting an audit, subrecipient monitoring, conducting a background check, or conducting an investigation, but that personal information is otherwise subject to the requirements of subsection (c) and is not an open record pursuant to title 10, chapter 7.

SECTION 2. This act shall take effect October 1, 2021, the public welfare requiring it, and shall apply to prohibited conduct occurring on or after that date.